

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIVA OPTIQUE, INC.,

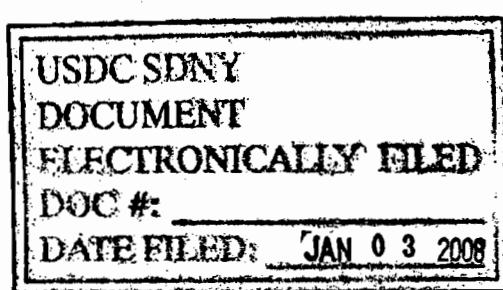
Plaintiff,

-v-

No. 03 Civ. 8948 (LTS)

CONTOUR OPTIK, INC. and
ASPEX EYEWEAR, INC.,

Defendants.

**ORDER**¹

In this Court's December 7, 2007, memorandum order, the Court granted Defendants' motion to dismiss Plaintiff's Amended Complaint without prejudice. (Docket Entry No. 43.) It further provided that Plaintiff would have leave to file a Second Amended Complaint no later than December 27, 2007, but that failure to do so would result in dismissal of Plaintiff's Amended Complaint with prejudice.

Because no Second Amended Complaint was filed by Plaintiff within the aforementioned deadline, Plaintiff's Amended Complaint is hereby dismissed with prejudice. The Clerk of Court is respectfully requested to close this case.

Dated: New York, New York
January 2, 2008

LAURA TAYLOR SWAIN
United States District Judge

¹

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.